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K. England. — Parl. [Petitions and Addresses to Parl. — 1680.]
REASONS, humbly offered to the Consideration of the Parliament,
against the Passing a Bill, Intituled An Act for Incorporating the Undertakers for the Dreining Deeping Fen.

I. **T**HAT several Lords and Inhabitants of 11 several Towns in the County of *Lincoln* having right to the Soil and Comons of *Deeping* Fen and several other Fens, containing together above 30000 Acres, which being surrounded with water, several persons offered to undertake the dreining thereof, so as in consideration of their Charges, they might have one moiety for their Incouragement: Thereupon, by an Act of Parliament made in the 16 and 17th years of the Reign of his late Majesty, by Consent of the said Lords and Commoners, all the said Fens were Vested in several Persons therein named, in trust as to one Moiety for the Lords and Commoners, and the other Moiety for the Undertakers, with a Proviso therein, That if the Undertakers did not sufficiently drein the same within 7 years, or should after the 7 years permit the same to be hurtfully surrounded with water for 5 years together, and that the same should be so adjudged by view or presentment in that behalf made by 12 of the Commissioners of Sewers for that County, and filed on Record in the Court of Chancery; That then and from thenceforth the said trust as to the Undertakers Moiety, and all Estates by them granted thereout should cease and be of no effect. And the Trustees were to stand seized thereof in trust to permit the Commissioners to receive the Profits for Dreining the said Fens. And the said Undertakers were also by the said Act to Cleanse and Imbank the several Rivers and Dreins therein mentioned for the benefit of the said Lords and Commoners.

And the said Undertakers not having hitherto performed the said Proviso, but after the said 7 years having permitted the said Fens to be overflowed by the space of 13 years together; as by several Verdicts and an Adjudication of 48 of the most able and substantial Commissioners of Sewers, whereof the Earl of *Linsey* and the Lord *Sherrard* were two ready to be produced, may appear; the Interest of the said Undertakers is thereby become forfeited, and therefore there is no Reason that either they or their Assigns should be incorporated.

II. That the said Lords and Commoners by means of what the Undertakers have already done, and their neglect of what they ought to have done, are in a far worse Condition now than they were at the time of their said Undertaking; and in particular, the Towns of *Spalding* and *Pinkbeck* who have the greatest share of Commons in the said Fens, who had two navigable Rivers, and now want fresh Water for the use of the said Towns, have not sufficient fresh water either for Cattle.

III. That in Case the Undertakers should be Incorporated, it would be more difficult for the Lords and Commoners to obtain satisfaction for any wrong done by them, then now it is: And such Corporation is not intended to be any Benefit to the Lords and Commoners, but to themselves.

IV. That by this Bill the Undertakers would be obliged only to Dyke and Scower the Rivers of *Glenn* and *Welland*; when as by the said Act they are obliged to maintain the Banks thereof; which, if not done by them as they ought, (being part of the Consideration for the said Moyety) will be a very great charge to the Country.

V. That by this Bill all the said Rivers, and the Banks thereof made and to be made, are to be Vested in the Undertakers for ever; when as the same by the former Act were Vested in the Trustees, as well for the said Lords and Commoners, as for the Undertakers; whereby the said Undertakers will not only be Intituled to the Soil of right, belonging to the Queen Dowager, and other Lords there: But also divest them of their several Fishings in the said Rivers.

VI. That by this Bill the Undertakers Moyety, (which by the said former Act was Vested in Trust, subject to the Proviso aforesaid) is to be absolutely settled in the Undertakers, and their Heirs. Notwithstanding their Breach of the Proviso aforesaid, and thereby the power of the said Commissioners will be wholly taken away; and so the Lords and Commoners, who consented to give the Undertakers 15000 Acres of Land upon the Proviso aforesaid, will not only loose the same, but also be in a worse Condition as to their own Moyety then they were before. And the Trust and Proviso aforesaid will be wholly destroyed.